HIGH COURT OF UTTARANCHAL AT- NAINITAL.

Writ Petition No. 844(S/S)2004

Jai Prakash Chauhan S/o late Sri Pitambar Singh Chauhan,
R/o village Pherupur, P.O. Dhanpura,
District Haridwar ….Petitioner.

Vs.

Commissioner, Food and Civil Supply,
Supply Department, Dehradun,
And three others. ….Respondents.

Sri Sharad Sharma, learned counsel for the petitioners.
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Sharad Sharma, learned counsel for the petitioner and learned Standing Counsel for the respondent.

Parties are agreed that the petition may be heard and decided on the admission stage itself.

By means of this writ petition, the petitioner has challenged the transfer order dated 15.07.2004 passed by the Commissioner, Food and Civil Supply, Uttaranchal, Dehradun, by which the petitioner, who is Supply Inspector in the Food and Civil Supply Department, has been transferred from district Haridwar to district Bageshwar.

The petitioner has challenged the said transfer order on three grounds. The first is that he was transferred on 14.07.2002 from district Pauri to District Haridwar and just after two years the petitioner has again been transferred. But the petitioner could not show any provision, guidelines or Rules under which he cannot be transferred without completing any stipulated period. The petitioner is staying at Haridwar for about two years. The petitioner has further contended that his wife is suffering from heart ailment and she was examined in the AIIMS at New Delhi. A prescription has also filed by the petitioner dated 19.01.2004 which shows the petitioner visited the AIIMS and she was checked there. However, from the certificate, the petitioner could not show whether the AIIMS has found him suffering with any cardiologic problems. The third ground which has been taken by the petitioner is that the petitioner has made certain complaints against some persons, consequently he has been transferred as

the result of these complaints. I have gone through the transfer order, which has been made in public interest. I find no substance in the writ petition.

However, if the petitioner files representation before the competent authority within ten days he may submit the same before the competent authority alongwith the relevant certificate showing that his wife is actually suffering with heart aliment and her stay in the plain area is medically required, the competent authority after considering the facts mentioned in the representation shall decide the representation within three weeks from the date of receipt of the representation of the petitioner.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

July 27, 2004:
NCM: